

(A) screened for overweight or obesity; and  
(B) identified as at-risk for overweight or obesity and have been provided with appropriate medical follow-up services or counseling; and

(4) prepare and submit an annual report to Congress on the percentage of children enrolled in a State Medicaid or child health plan that are screened for overweight or obesity and, for those identified as at-risk, receive appropriate medical follow-up services or counseling.

#### SEC. 407. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made under this title, take effect on October 1, 2010.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

### NOTICES OF HEARINGS

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, May 21, 2009 at 10:30 a.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

### PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that William "Bill" Curlin have full floor privileges during the consideration of the supplemental appropriations bill. He is a fellow in my office.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 134, 135, 136, 137, 138, 141, 142, 143, 145, 146, 147, 148, 149, 150, and 151.

#### NOMINATION OF THOMAS R. LAMONT

I would like to add, Madam President, before I ask for this consent, that one of the numbers I have just read relates to the nomination of Thomas Lamont, to serve as Assistant Secretary of the Army for Manpower and Reserve Affairs.

Mr. Lamont is a friend of mine. He lives in my hometown, and I have known him for many years. He and his wife Bridget are close friends.

Tom is a dedicated public servant. He has spent 25 years in the Judge Advocate General's division of the Illinois Army National Guard, where he was a State staff judge advocate general before retiring with the rank of colonel in the year 2007.

He was also elected to the board of trustees at the University of Illinois. He served in the highest capacities with the Office of the State Attorney Appellate Prosecutor, Civil Litigation in the Office of the Illinois Attorney General, and the Illinois Board of Higher Education.

He has practiced law in Springfield, my hometown, where he has built a sterling reputation for integrity and ability.

Most recently, Tom has served as special counsel to the University of Illinois.

With this confirmation, his broad array of service and experience will serve our Nation. The Army and America need leaders such as Tom Lamont.

With our Army's soldiers deployed around the world, with their families counting on good leadership in the Pentagon to make certain they are well trained, serve us well, and come home safely, we have an excellent person to serve as Assistant Secretary of the Army for Manpower and Reserve Affairs in Tom Lamont of Springfield, IL.

I was happy to recommend his name to the President.

#### NOMINATION OF MARGARET A. HAMBURG

Madam President, one of the nominees to be considered and voted out this evening is to serve in the administration with a special responsibility for the Food and Drug Administration. Margaret A. Hamburg is certainly well qualified to serve in that capacity. There are many responsibilities to be dealt with in the agency, including the safety of drugs, pharmaceuticals, medical devices, and food in America. It is an issue that is near and dear to me. I have spoken to the nominee about it personally, and I wish to commend her.

Madam President, I ask unanimous consent that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

#### DEPARTMENT OF VETERANS AFFAIRS

John U. Sepulveda, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources).

Jose D. Riojas, of Texas, to be an Assistant Secretary of Veterans Affairs (Operations, Security, and Preparedness).

William A. Gunn, of Virginia, to be General Counsel, Department of Veterans Affairs.

Roger W. Baker, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

#### DEPARTMENT OF THE INTERIOR

Rhea S. Suh, of California, to be an Assistant Secretary of the Interior.

#### DEPARTMENT OF ENERGY

David B. Sandalow, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

Daniel B. Poneman, of Virginia, to be Deputy Secretary of Energy.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

#### [NEW REPORTS]

#### DEPARTMENT OF DEFENSE

Robert O. Work, of Virginia, to be Under Secretary of the Navy.

Raymond Edwin Mabus, Jr., of Mississippi, to be Secretary of the Navy.

Thomas R. Lamont, of Illinois, to be an Assistant Secretary of the Army.

Paul N. Stockton, of California, to be an Assistant Secretary of Defense.

Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Air Force.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, as in executive session, I ask unanimous consent that on Tuesday, May 19, following disposition of H.R. 627, the Senate proceed to executive session to consider Calendar No. 29, the nomination of Gary Gensler to be a Commissioner of the Commodity Futures Trading Commission; that there be 60 minutes of debate with respect to the nomination, with the time equally divided and controlled between Senators HARKIN and CHAMBLISS or their designees, with Senators CANTWELL, CARDIN, and SANDERS each controlling 5 minutes of the majority's time; that at 2:15 p.m. the Senate proceed to vote on confirmation of the nomination; that upon confirmation of Calendar No. 29, the Senate then proceed to Calendar No. 30, that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in

order; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TUESDAY, MAY 19, 2009

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, May 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 627, the credit card bill, as provided for under the previous order; that upon disposition of H.R. 627, the Senate proceed to executive session to consider the Gensler nomination as provided under a previous order; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conference lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DURBIN. Madam President, under the previous order, tomorrow there will be a rollcall vote shortly after we convene. The vote will be on the motion to invoke cloture on the Dodd-Shelby substitute amendment to H.R. 627, the credit card bill. If cloture is invoked, the Senate will dispose of the pending amendments and vote on passage of the bill, as amended. As a result, Senators should expect at least two rollcall votes tomorrow morning.

At 2:15 p.m., there will be a vote on confirmation of the Gensler nomination. We also expect to begin consideration of the Iraq and Afghanistan supplemental appropriations bill sometime later tomorrow afternoon.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Tuesday, May 19, 2009, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF DEFENSE

ZACHARY J. LEMNIOS, OF MASSACHUSETTS, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE JOHN J. YOUNG, JR.

### DEPARTMENT OF EDUCATION

ANTHONY W. MILLER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE RAYMOND SIMON, RESIGNED.

### DEPARTMENT OF ENERGY

RICHARD G. NEWELL, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, VICE GUY F. CARUSO.

### DEPARTMENT OF THE TREASURY

ROSA GUMATAOTAO RIOS, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES, VICE ANNA ESCOBEDO CABRAL, RESIGNED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

#### To be commander

SCOTT W. CRAWLEY  
MICHAEL F. PIERSON

#### To be lieutenant commander

JAMES J. BAILEY  
JOSE M. BOLANOS  
MICHAEL R. CAIN  
PATRICK A. CULVER  
ASA S. DANIELS  
JEFFREY B. DORWART  
LEE A. FLEMING  
MARK C. FOCKEN  
DOUGLAS C. HALL  
JOHN M. HARTLOVE  
DEAN A. HINES  
BRIAN P. HUFF  
HENRY M. KONCZYNSKI  
HEATHER M. KOSTECKI  
MANUEL P. LOMBA  
MATTHEW I. MARLOW  
STEVEN J. MCKECHNIE  
ANN M. MCSADDEN  
DAVID W. MITCHELL  
GUY A. MORROW  
DAWN W. MURRAY  
JOSEPH B. NOTCH  
MICHAEL G. ODOM  
MARK S. PALMER  
BRYAN C. PAPE  
BENJAMIN L. PERKINS  
WILLIAM W. PRESTON  
BRIAN W. ROBINSON  
ROBERT A. ROSENOW  
EDWARD P. SORIANO  
FRAMAR L. STENSON  
PRUDENCIO M. TUBALADO  
JON T. WARNER  
ROBERT D. WYMAN  
JAMES T. ZAWROITNY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

#### To be lieutenant commander

MICHAEL J. CAPELLI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211(A)(2):

#### To be lieutenant commander

MICHAEL J. HAUSCHEN

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

LT. GEN. STANLEY A. MCCRYSTAL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

REAR ADM. JOSEPH D. KERNAN

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

THOMAS J. SOBIESKI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### To be major

JOHN E. BLAIR

SAMANTHA L. BUTLER  
DAVID M. CRAWFORD  
MICHAEL W. FOUNTAIN  
ROD S. JOHNSON  
MICHAEL J. MATSUURA  
MARSHA D. MITCHUM  
JAMES REED  
KADEE E. THOMPSON  
PETER T. TRAN

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

KINDALL L. JONES  
WILLIAM J. NOVAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

SHARON E. BLONDEAU  
KAREN D. CHAMBERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

REBECCA D. LANGE  
FRANK PIPER  
ROBERT SANTIAGO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

WALTER A. BEHNERT  
ROBERT J. BROODY  
MARION S. CALOW  
DANIEL L. DUCKER  
DAVID E. FLOYD, JR.  
TAMARA J. FREEMAN  
VIRGINIA W. GERDE  
JOHN R. GOUIN  
MICHAEL D. KOLODZIEJ  
SUSAN MORRIS  
RAYMOND B. MURRAY  
INGER M. NILSSON  
ROBERT J. ROLLE  
KELLY L. SNYDER  
BRUCE A. SPAULDING  
YANN STANCZEWSKI  
SHELLY M. WALKER  
ZACHARIAH P. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

ARTHUR R. BAKER  
SARY O. BEIDAS  
DAVID E. BENTLEY  
MARY M. BRANDT  
LISA M. BREITENBACH  
JOHN R. BRINEMAN  
WALLACE B. BRUCKER  
JOHN W. BUCKNER III  
DANIEL A. BUTLER  
THOMAS E. CASHERO  
KARIN A. COX  
ERIC C. DESSAIN  
GARY L. DOUBLESTEIN  
GARTH A. ELIAS  
MARIO F. GOLLE, JR.  
MELVYN L. HARRIS  
JOHN E. HARTMANN  
EDWARD P. HORVATH  
JAMES A. JEFFERSON  
HELEN R. JOHNSON  
KEVIN R. JOHNSON  
TIMOTHY L. KINZIE  
STEVEN B. KNIGHT  
FREDERICK C. LOUGH  
SCOTT A. LYNCH  
PAUL F. MALINDA  
RONALD F. MARTIN  
MARK A. MATAOSKY  
JAIME L. MAYORAL  
JOHN J. MCGRAW  
STEPHEN B. PALTE  
MARK L. PASSAMONTI  
ROY D. PENDERGRAFT  
ANGEL PEREZTORO  
PAUL C. PERLIK  
ANDREA J. PLASKIEWICZ  
MICHAEL J. RABORN  
FELIX E. ROQUE  
HENRY J. SCHILLER  
STEVEN A. SEVERYN  
ROBERT A. SHIVELY  
ROBERT A. SOLOMON  
JOHN B. SORENSEN  
DONALD K. SPANER  
DENNIS M. SULLIVAN  
ANITA M. YEARLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

DENNIS C. AYER